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February 19, 2024

Via ECF; Total Pages: 2

Hon. Valerie E. Caproni, U.S.D.J.
United States District Court - SDNY
40 Foley Square New York
New York, NY 10007

Re: Mabry v. LAML, LLC d/b/a John Sullivan's Bar & Grill et al
Docket No. 1:23-cv-05468-VEC

Dear Judge Caproni:

This office represents defendants LAML, LLC, 240 BBJ Pub Inc., 505 HP LLC, Brendan Creegan, and John Creegan (hereinafter collectively "Defendants") in the above referenced matter. Pursuant to Rule 2 (C) of Your Honor's Individual Rules governing adjournments or request of extensions of time, Defendants are respectfully submitting this letter seeking an extension of time as to Plaintiff's collective action motion. Defendants' response was due on Friday February 16, 2023.

I was in the process of reviewing Plaintiff's counsel's proposed a Stipulation and Notice to be sent out to the potential class in order to prepare a response to Plaintiff's pending motion. However last week I was not feeling well. I believe I may have the flu. Another person in my office was out sick, and that may have been the source. I still feel exhausted. I am respectfully requesting an extension to March 8, 2024 to file a response.

I did speak to Plaintiff's counsel last week prior to Friday February 16, 2023. The parties were engaged in substantive settlement discussions. Although I cannot reveal the settlement numbers discussed, I can say the difference between Plaintiff's settlement demand and Defendants' last settlement offer is not great. Frustratingly, Plaintiff is not moving despite significant moves by Defendant. I respectfully submit that a settlement conference is in order to help the parties bridge this last gap.

During our above settlement discussions, I did ask Plaintiff's counsel for his consent to an extension of time, and he advised that he did not consent. I did not reveal my illness to Plaintiff's counsel during our settlement discussions as I felt it would have put me at a disadvantage.

Thank you for your kind consideration and courtesies as to this matter.

Respectfully submitted,

Michael K. Chong

Michael K. Chong, Esq.

MKC/
cc: Michael Digiulio, Esq. (*via ECF*)